

Boone County Area Plan Commission
April 10, 2013- 7:00 p.m.
Lamar Meeting Room- Boone County Government Building

Members present: Alan Wilhoite, Sharon Walker, Ken Hedge, Gary Hiese, Tad Braner and Jay Schaumberg

Members absent: Doug Akers

Staff present: Rachel Cardis, Bob Clutter and Carla Hedrick

Jay Schaumberg called the meeting to order at 7:03 p.m. by leading the pledge of allegiance and followed by introductions of the board, staff and audience. Those in the audience were Ron Wharry (Moses Engineering), Ed & Eva Jane Shelley and Aaron Smith.

Approval of agenda: no changes~ Sharon Walker made a motion to approve the agenda. Alan Wilhoite seconded the motion. Motion carried 6-0.

A. Old Business Public Hearings

None at this time

B. New Business Public Hearings

1. 1SC-7M-107 Ed & Eva Jane Shelley; Thorn Creek Minor Plat; Minor Plat

Rachel Cardis read the staff report.

Ron Wharry came forward to present the request.

Ken Hedge questioned that they are building on lot 1 and realize they cannot split this lot again unless they come back to the boards for a re-zone. Ron answered yes they knew that. Jay Schaumberg asked if lot 3 had a house on it. Ron responded there is not at this time and lot 4 does not, but that lot 2 has a home with a family member living there. Rachel Cardis stated that a recorded maintenance agreement would be required for the shared drive for lots 2 & 3. Jay Schaumberg asked what the easement (shared drive) part is of. Ron Wharry responded that it would be part of the plat and the plat would be recorded. No one else came forward. Jay closed the public hearing and opened it to the board.

Ken Hedge made a motion to approve 12SC-7M-107 with the following conditions: 1) applicant shall sign a Right to Farm Agreement; 2) applicant shall sign a County Drainage Agreement; 3) all lots receive final TAC approval prior to issuance of the ILP; and 4) no further subdivision of any lot can occur without formal application for zoning map amendment in the APC office; also all 6 Standards for Evaluation-Special Exception have been met and are stated in the staff report. Sharon Walker seconded the motion. Motion carried 6-0.

C. Violations Report

Bob Clutter stated there are no litigation violations at this time.

Rachel Cardis stated that she has written some letters for some illegal signs. Gary Hiese questioned the situation with the Dover School. Rachel commented that the owner requested to bury the debris and she had the director, Jennifer Lawrence, from the Solid Waste go with her to the site and then write a letter to the owner stating what could be buried and what could not. It is the owner's responsibility to know where to safely bury the debris without getting into easements or power lines, etc. Gary asked about the time frame having passed for them to clean it up and what are we doing about that? Rachel stated they are making progress and as the weather breaks they can continue to clean it up and staff keeps an eye on the situation and writes letters as reminders when needed. If it continues then we will turn it over to Bob to handle.

D. Approval of Minutes

1. Minutes for March 6, 2013

Alan Wilhoite made a motion to approve the minutes for March 6, 2013 as presented. Motion was seconded by Gary Hiese. Motion carried 6-0.

E. Administrative Matters

1. Overview discussion of New overlay districts (I-65 north, SR 39 & SR 32)

Rachel would like the board's thoughts and ideas on the overlays she has proposed. She stated Eric Goodnight has been kind enough to draw them in the system and write legal descriptions, which saves us money. The underlying zoning will not change in the overlay districts. The overlays are a pro-active measure to be in place if someone were to bring in a re-zone in the areas. This would give them standards to follow. She then went over the proposal for the I-65 north overlay.

She stated that all residential and agricultural uses would be excluded. The included uses would be commercial, industrial and multi-family, such as apartments.

The excluded uses were then discussed:

- Change auction sales (excluding livestock) to just auction sales
- Contractors storage & open material storage would be left off this list but zoning provisions would be created, such as no more than 50% of the building could be outside storage
- Commercial facility for breeding non-farm fowl & animals and confined feeding to be left in for now but discuss at the next meeting how to word it and make provisions for it
- Drive-In restaurants- don't prohibit but set development and distance standards
- Junk yard add salvage yard
- Manufacturing Use or Storage of Explosives add firework outlets and consumer sales
- Mobile Home, Travel Trailer, Camper Sales & Service add car dealerships
- Add Self-storage/mini warehouses

On the 600' or 400' from the right of way of the roads, we could change that only the part that fronts I-65 would be included in the overlay.

The board would like definitions for the excluded uses, to help determine what they want to include or exclude.

Any future development would be limited without sewer and water availability.

Bob Clutter stated that SR 32 & SR 39 are almost identical to I-65 and he thinks we should do all three separately to keep confusion to a minimum. Ken Hedge agreed and suggested that we get through the I-65 north overlay first.

Rachel asked if they would like a public hearing for next month or keep this as an administrative matter for further discussion and clarification. The board decided to keep it as an administrative matter for one more month. Rachel will give the board options and let the board make their decisions and then we can have a public hearing before forwarding it to the County Commissioner's for their approval.

With no further business, Gary Hiese made a motion to adjourn at 8:30 p.m. Tad Braner seconded the motion. Motion carried 6-0.